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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/739,148 | 12/19/2003 | Genta Moriyama | 000409-078 | 2535 |

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EXAMINER

GARRETT, ERIKA P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3636

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/739,148 | Applicant(s) MORIYAMA ET AL. | |
| | Examiner Erika Garrett | Art Unit 3636 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-8 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-8 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The finality of the last office action has been withdrawn. A new office action on the merits appears below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaefer (6,070,934). Schaefer discloses the use of a vehicle seatback (25); seat cushion (38); a four-link mechanism (44,52) for supporting the seat cushion; drive unit (40) for driving for four-link mechanism and moving the seat cushion between a seating position and a stowed position; the seat cushion is moved between the seating position and the stowed position, support of the seat cushion is maintained by operation of the four-link mechanism and the drive unit and a control unit for operating the drive unit, wherein the drive unit includes a first drive unit (48) for moving the seat cushion and a second drive unit (42) for moving the seatback, and the first drive unit and the second drive unit operate in association with each other for simultaneously operating the seat cushion and the seatback. In regards to claim 4, the first drive unit is attached to one of cushion side frames forming the seat cushion and the second drive unit is attached to one of the backside frames forming the seatback.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer in view of Yamazaki (5,328,238). Schaefer shows the use of all the claimed invention but fails to show the use of four rotational shafts. Yamazaki teaches the use of four rotational shafts (36,42,22,26). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the vehicle seat with the rotational shafts as taught by Yamazaki, in order to move the seat from the seating position to the storage position.

Claims 7-8 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer as applied to claim 5 above, and further in view of Garrido (6,464,297) in view of Glance (5,597,205). Schaefer shows the use of all the claimed invention but fails to show the use of first and second motors, deceleration, pinion and gear. Garrido teaches the use of first and second motors (20,40). Glance teaches the use of a motor, deceleration, pinion and gear. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the vehicle seat with first and second motors, pinion and gear as taught by Garrido and Glance, in order to move the seat back and bottom from one position to another position.

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Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schauer as applied to claim 12 above, and further in view of Yamazaki (5,328,238). Schauer shows the use of all the claimed invention but fails to show the use of four rotational shafts. Yamazaki teaches the use of four rotational shafts (36,42,22,26). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the vehicle seat with four rotational shafts as taught by Yamazaki, in order to move the seat from a seated position to a stowed position.

Response to Arguments

Applicant's arguments with respect to claims 2,4-8 and 12-20 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

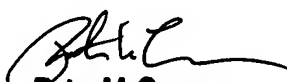
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG 
April 6, 2006


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600